

The Board of Supervisors of Maricopa County, Arizona convened in Informal Session at 9:00 a.m., September 22, 2003, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**UPDATE ON STATUS OF THE SOUTH MOUNTAIN FREEWAY**

Presentation updating the status of the South Mountain Freeway. As part of the planning process for the South Mountain Freeway, the Arizona Department of Transportation (ADOT) is in the process of developing an Environmental Impact Statement that includes identification and selection of alternative alignments. Once this environmental work is complete, ADOT will begin the preliminary engineering work that precedes final design and construction. The environmental studies, which began in July 2001, are expected to conclude in June 2005. This includes the Environmental Impact Statement (EIS), Design Concept Report (DCR) and Implementation Plan. (ADM2000)

Tom Buick, Director of Transportation and County Engineer  
Mike Sabatini, P.E., Assistant County Engineer  
Floyd Roeshrich, Arizona Department of Transportation  
Dave Anderson, HDR, Inc.  
Amy Edwards, HDR, Inc.

Mr. Buick introduced representatives from the Arizona Department of Transportation (ADOT) who were attending the meeting: Amy Edwards, John Dodak and Floyd Roeshrich, and invited them to join in the discussion on the South Mountain Freeway.

Mr. Buick explained that the Transportation Policy Committee (TPC) had adopted a modified Hybrid Plan that contained additional arterial streets, and an accountability provision; however, none of the light rail that had been unexpectedly added at the last meeting had been eliminated. A clause was added to provide for an independent evaluation of the plan every 5 years with recommendations to amend the plan as a result. This provision will be included in the authorizing legislation. He said, "They left out the middle bullet points of the County's recommendations that explain the difference between major and minor changes, and the suggestion of holding the regional funding percentages in place through a firewall."

Supervisor Stapley, the County's representative on the TPC, said that while the vote was unanimous for approval there are still some important "naysayers" in the newspapers and legislature that are vocalizing their dissent. The committee chairman and others have told him that the issues that were "left out" (the middle bullet points and others) will be addressed prior to the finalization of the plan. If not, he indicated that it would be possible to take these points directly to key legislators and to the legislature after it convenes in January. He explained that one key item being argued was whether all major amendments to the plan should go back for a public vote. He reported that it is a highly contentious issue that would have to be addressed sooner or later. He doubted there would ever be consensus on it at the committee level and said the Legislature may be called on to make the decision.

John Dodak, ADOT, said that the South Mountain Freeway is the final leg of the regional freeway system and showed slides of freeway growth in the Valley for the past 50 years, correlating it with contemporary population. In 2025 the population in the Valley is projected to be 5.5 million people with the major growth areas being the southwest and southeast portions of the Valley.

In the decade of the 1990s the population of the Valley increased by 950,000 people and during the same period the number of registered vehicles increased by 810,000 – very close to one person per vehicle. This growth is expected to continue. Mr. Dodak said that given a perfect result in everything now being planned to accommodate transportation, by the year 2025 there is still expected to be a 22% greater demand than could be accommodated. He explained, “We will have 22% more cars and trucks on the roads and streets here than we will have roads and streets to put them on.” If the South Mountain Freeway is built there will be a 7% reduction in this deficiency, leaving 15% to be addressed by the new half-cent sales tax extension.

In studies to find what would cause the least amount of traffic failure on the I-10 in the future. The three options that ADOT has devised are as follows:

- A connection to I-10 at Loop 101 - could work well but would require major improvements to both Loop 101 and I-10.
- Any other connection to I-10 should be more than 3 miles away from Loop 101 and I-17, but could work with improvements (widening) to I-10.
- Any connection to I-10 less than 3 miles from Loop 101 or I-17 would not work well even if improvements were made to I-10.

Mr. Dodak said that all of the alternatives tie into Pecos Road at the I-10 interchange and continue west to the Gila River Indian Community. “Pecos Road is the only true, viable option that we have at this point.” He said the issues have been scoped and identified, the purpose and need to do this has been determined, and a number of alternatives have been looked at in detail. The remaining work in completing the Environmental Impact Statement should be complete by the end of 2004 and ADOT hopes to have feedback from the Federal Highway Administration in 2005. He said that, as a sovereign nation, the decision on whether any roads will be built on the Gila River Indian Reservation is their decision to make.

Discussion ensued on questions from the Supervisors relating to the South Mountain Freeway and the various towns and cities that would be affected by it. Some like the idea of a freeway’s impact and some do not want it located close to them.

Supervisor Stapley asked the percentage of rights-of-way already purchased along the Pecos Road alignment and Mr. Dodak replied that it was around a quarter to a third of that required.

Supervisor Stapley asked which of the three options performs the best under the modal. The response was that they all perform well but they perform differently. The details will be scrutinized as the study continues to determine which performance is best.

Supervisor Stapley said he has found that in none of the modals do the South Mountain Freeway and the 101 line up and this seems an obvious oversight.

Supervisor Wilson asked for a map or stipulations on the amount of ground that has been acquired and details on the rights-of-way that still must be acquired for the Pecos Road alignment. He also wants to receive an estimate on the cost for both and the estimates should include costs when using, and not using, any of the Indian lands.

Discussion continued on the impact new freeways would have on any bordering towns and communities, including Indian Reservation communities; and the degree of interest shown by the towns and by members of the Tribe in having these built. Reference was made to previous roads and freeways built on Indian land and the economic development impact that resulted. Tax revenue is fundamental in building and maintaining freeways and all tax revenue is lost when these roads are built on Indian Reservations, which are autonomous. Thus the State/County would invest a huge outlay of taxpayer monies building and maintaining freeways built on Reservation lands and there would be no compensating tax revenue in return. Supervisor Kunasek asked that this be considered prior to completing the final draft of the Transportation Plan. The necessary steps to maintain the integrity of the mountain preserves were also discussed.

Chairman Brock thanked Mr. Tevlin for coming to confer with the Board on this important issue.

**EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. 38-431.03, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recess and reconvene in Executive Session to consider items listed on the Executive Agenda dated September 22, 2003, as follows.

**LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)**

**Compromise Cases – Virgil Huerta, Destinee Lopez, Charles Payne, Victor Ruacho, Ruben Rodriquez, William Salazar.**

Barbara Caldwell, Outside Counsel

**Write-Off Cases – Gary Keith and List of uncollectible service of process fees for the Sheriff's Office.**

Barbara Caldwell, Outside Counsel

**PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(4)**

**Koss v. Maricopa County, CV 2001-001247**

Kathleen L. Wieneke, Esq., Jones, Skelton & Hochuli  
Christopher A. Doerfler, Esq., Jones, Skelton & Hochuli  
Peter Crowley, Risk Manager  
Patrick Spencer, Claims Manager

**Krone v. Maricopa County, et al., U.S. District Court No. CIV 03-0734-PHX-LOA**

Richard A. Stewart, Esq., Deputy County Attorney, Division of County Counsel  
Peter Crowley, Risk Manager

**PURCHASE, SALE OR LEASE OF REAL PROPERTY – A.R.S. §38-431.03(A)(7)**

**5<sup>th</sup> Avenue and Fillmore Street**

Terry Eckhardt, Deputy County Attorney, Division of County Counsel  
Sandi Wilson, Deputy County Administrator  
Thomas Manos, Chief Financial Officer  
Dennis Lindsey, Director of Real Estate

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION  
September 22, 2003**

**32<sup>nd</sup> Street and Van Buren Real Estate**

Terry Eckhardt, Deputy County Attorney, Division of County Counsel  
Sandi Wilson, Deputy County Administrator  
Thomas Manos, Chief Financial Officer  
Dennis Lindsey, Director of Real Estate

**LEGAL ADVICE, PENDING OR CONTEMPLATED LITIGATION -- A.R.S. §38-431.03(A)(3) AND (A)(4)**

**Citizen's Telecommunications v. Arizona Department of Revenue et. al.**

William Knopf, Deputy County Attorney, Division of County Counsel  
Elizabeth Yaquinto, Deputy County Attorney, Division of County Counsel

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Fulton Brock, Chairman of the Board

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Fran McCarroll, Clerk of the Board